

20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

- (a) printed and bound in a single pamphlet;
- (b) printed in clear readable type, no less than ten-point, except that the text of any measure may be set forth in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following items in this order:

- (a) a cover title page;
- (b) an introduction to the pamphlet by the lieutenant governor;
- (c) a table of contents;
- (d) a list of all candidates for constitutional offices;
- (e) a list of candidates for each legislative district;
- (f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before July 15 at 5 p.m.;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

- (i) a copy of the number and ballot title of the measure;
- (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;
- (iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;
- (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;
- (v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets; and

(vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5;

(h) a description provided by the Judicial Council of the selection and retention process for judges, including, in the following order:

- (i) a description of the judicial selection process;
- (ii) a description of the judicial performance evaluation process;
- (iii) a description of the judicial retention election process;
- (iv) a list of the criteria and minimum standards of judicial performance evaluation;
- (v) the names of the judges standing for retention election; and

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- (vi) for each judge:
 - (A) the counties in which the judge is subject to retention election;
 - (B) a short biography of professional qualifications and a recent photograph;
 - (C) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;
 - (D) a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Subsection 78-8-107(2), formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received; and
 - (E) a statement identifying whether or not the judge was certified by the Judicial Council;
- (vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic format, the responses for each attorney, jury, and other survey question used by the Judicial Council for certification of judges, displayed in 1% increments;
- (B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a particular judge is too small to provide statistically reliable information in 1% increments, the survey results for that judge shall be reported as being above or below 70% and a statement by the surveyor explaining why the survey is statistically unreliable shall also be included;
- (i) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;
- (j) voter registration information, including information on how to obtain an absentee ballot;
- (k) a list of all county clerks' offices and phone numbers; and
- (l) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law. SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____ (month), ____ (year)
(signed) _____

Lieutenant Governor"

- (3) The lieutenant governor shall:
 - (a) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state not more than 40 nor less than 15 days before the day fixed by law for the election;
 - (b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

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(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.

Amended by Chapter 236, 2005 General Session

20A-12-201. Judicial appointees -- Retention elections.

(1) (a) Each appointee to a court of record is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

(i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and

(ii) each judge of other courts of record shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy as if a candidate for multi-county office in accordance with Section 20A-9-202; and

(ii) pay a filing fee of \$50.

(b) Each county justice judge who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy as if a candidate for county office in accordance with Section 20A-9-202; and

(ii) pay a filing fee of \$25.

(3) (a) The lieutenant governor shall, by September 1 of each regular general election year:

(i) transmit a certified list containing the names of the justices of the Supreme Court and judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

(b) Each county clerk shall place the names of justices and judges standing for retention election in the nonpartisan section of the ballot.

(4) At the general election, the ballots shall contain, as to each justice or judge of any court to be voted on in the county, the following question:

"Shall _____ (name of justice or judge) be retained in the office of _____?" (name of office, such as "Justice of the Supreme Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the

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78-3-21. Judicial Council -- Creation -- Members -- Terms and election -- Responsibilities -- Reports.

(1) The Judicial Council, established by Article VIII, Section 12, Utah Constitution, shall be composed of:

- (a) the chief justice of the Supreme Court;
- (b) one member elected by the justices of the Supreme Court;
- (c) one member elected by the judges of the Court of Appeals;
- (d) five members elected by the judges of the district courts;
- (e) two members elected by the judges of the juvenile courts;
- (f) three members elected by the justice court judges; and
- (g) a member or ex officio member of the Board of Commissioners of the Utah State Bar who is an active member of the Bar in good standing elected by the Board of Commissioners.

(2) (a) The chief justice of the Supreme Court shall act as presiding officer of the council and chief administrative officer for the courts. The chief justice shall vote only in the case of a tie.

(b) All members of the council shall serve for three-year terms. If a council member should die, resign, retire, or otherwise fail to complete a term of office, the appropriate constituent group shall elect a member to complete the term of office. In courts having more than one member, the members shall be elected to staggered terms. The person elected to the Judicial Council by the Board of Commissioners shall be a member or ex officio member of the Board of Commissioners and an active member of the Bar in good standing at the time the person is elected. The person may complete a three-year term of office on the Judicial Council even though the person ceases to be a member or ex officio member of the Board of Commissioners. The person shall be an active member of the Bar in good standing for the entire term of the Judicial Council.

(c) Elections shall be held under rules made by the Judicial Council.

(3) The council is responsible for the development of uniform administrative policy for the courts throughout the state. The presiding officer of the Judicial Council is responsible for the implementation of the policies developed by the council and for the general management of the courts, with the aid of the administrator. The council has authority and responsibility to:

(a) establish and assure compliance with policies for the operation of the courts, including uniform rules and forms; and

(b) publish and submit to the governor, the chief justice of the Supreme Court, and the Legislature an annual report of the operations of the courts, which shall include financial and statistical data and may include suggestions and recommendations for legislation.

(4) (a) The Judicial Council shall make rules establishing:

(i) standards for judicial competence; and

(ii) a formal program for the evaluation of judicial performance containing the elements

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of and meeting the requirements of this Subsection (4).

(b) The Judicial Council shall ensure that the formal judicial performance evaluation program has improvement in the performance of individual judges, court commissioners, and the judiciary as its goal.

(c) The Judicial Council shall ensure that the formal judicial performance evaluation program includes at least all of the following elements:

(i) a requirement that judges complete a certain number of hours of approved judicial education each year;

(ii) a requirement that each judge certify that he is:

(A) physically and mentally competent to serve; and

(B) in compliance with the Codes of Judicial Conduct and Judicial Administration; and

(iii) a requirement that the judge receive a satisfactory score on questions identified by the Judicial Council as relating to judicial certification on a survey of members of the Bar developed by the Judicial Council in conjunction with the American Bar Association.

(d) The Judicial Council shall ensure that the formal judicial performance evaluation program considers at least the following criteria:

(i) integrity;

(ii) knowledge;

(iii) understanding of the law;

(iv) ability to communicate;

(v) punctuality;

(vi) preparation;

(vii) attentiveness;

(viii) dignity;

(ix) control over proceedings; and

(x) skills as a manager.

(e) (i) The Judicial Council shall provide the judicial performance evaluation information and the disciplinary data required by Subsection 20A-7-702(2) to the Lieutenant Governor for publication in the voter information pamphlet.

(ii) Not later than August 1 of the year before the expiration of the term of office of a justice court judge, the Judicial Council shall provide the judicial performance evaluation information required by Subsection 20A-7-702(2) to the appointing authority of a justice court judge.

(5) The council shall establish standards for the operation of the courts of the state including, but not limited to, facilities, court security, support services, and staff levels for judicial and support personnel.

(6) The council shall by rule establish the time and manner for destroying court records, including computer records, and shall establish retention periods for these records.

(7) (a) Consistent with the requirements of judicial office and security policies, the council shall establish procedures to govern the assignment of state vehicles to public officers of the judicial branch.

(b) The vehicles shall be marked in a manner consistent with Section 41-1a-407 and
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may be assigned for unlimited use, within the state only.

(8) (a) The council shall advise judicial officers and employees concerning ethical issues and shall establish procedures for issuing informal and formal advisory opinions on these issues.

(b) Compliance with an informal opinion is evidence of good faith compliance with the Code of Judicial Conduct.

(c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.

(9) (a) The council shall establish written procedures authorizing the presiding officer of the council to appoint judges of courts of record by special or general assignment to serve temporarily in another level of court in a specific court or generally within that level. The appointment shall be for a specific period and shall be reported to the council.

(b) These procedures shall be developed in accordance with Subsection 78-3-24(10) regarding temporary appointment of judges.

(10) The Judicial Council may by rule designate municipalities in addition to those designated by statute as a location of a trial court of record. There shall be at least one court clerk's office open during regular court hours in each county. Any trial court of record may hold court in any municipality designated as a location of a court of record. Designations by the Judicial Council may not be made between July 1, 1997, and July 1, 1998.

(11) The Judicial Council shall by rule determine whether the administration of a court shall be the obligation of the administrative office of the courts or whether the administrative office of the courts should contract with local government for court support services.

(12) The Judicial Council may by rule direct that a district court location be administered from another court location within the county.

(13) The Judicial Council shall establish and supervise the Office of Guardian Ad Litem Director, in accordance with the provisions of Sections 78-3a-911 and 78-3a-912, and assure compliance of the guardian ad litem program with state and federal law, regulation, and policy, and court rules.

(14) The Judicial Council shall establish and maintain, in cooperation with the Office of Recovery Services within the Department of Human Services, the part of the state case registry that contains records of each support order established or modified in the state on or after October 1, 1998, as is necessary to comply with the Social Security Act, 42 U.S.C. Sec. 654a.

(15) (a) On or before November 1, 2003, the Judicial Council, by rule, shall select one or more districts as pilot districts for purposes of Sections 78-3a-115, 78-3a-115.1, and 78-3a-116.

(b) Prior to the 2005 Annual General Session, the Judicial Council shall report to the Child Welfare Legislative Oversight Panel and the Judiciary Interim Committee on the effects of Chapter 332, Laws of Utah 2003 and recommend whether the provisions of Chapter 332, Laws of Utah 2003 should be continued, modified, or repealed.

Amended by Chapter 332, 2003 General Session

Amended by Chapter 51, 2003 General Session

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78-3a-107. Judges of juvenile court -- Appointments -- Terms.

(1) Judges of the juvenile court shall be appointed initially to serve until the first general election held more than three years after the effective date of the appointment. Thereafter, the term of office of a judge of a juvenile court is six years and commences on the first Monday in January next following the date of election.

(2) A judge whose term expires may serve, upon request of the Judicial Council, until a successor is appointed and qualified.

Enacted by Chapter 1, 1996 General Session

78-5-134. Justice court judges to be appointed -- Procedure -- Report to Judicial Council -- Retention election -- Vacancy.

(1) As used in this section:

(a) "Appointing authority" means:

(i) the chair of the county commission in counties having the county commission form of county government;

(ii) the county executive in counties having the county executive-council form of government;

(iii) the chair of the city council or town council in municipalities having the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

(iv) the city manager, in the council-manager optional form of government defined in Section 10-3-101; and

(v) the mayor, in the council-mayor optional form of government defined in Section 10-3-101.

(b) "Local legislative body" means:

(i) the county commission or county council; and

(ii) the city council or town council.

(2) Justice court judges shall be appointed by the appointing authority and confirmed by a majority vote of the local legislative body.

(3) (a) After a newly appointed justice court judge has been confirmed, the local legislative body shall report the confirmed judge's name to the Judicial Council.

(b) The Judicial Council shall certify the judge as qualified to hold office upon successful completion of the orientation program and upon the written opinion of the county or municipal attorney that the judge meets the statutory qualifications for office.

(c) A justice court judge may not perform judicial duties until certified by the Judicial Council.

(4) Upon the expiration of a county justice court judge's term of office the judge shall

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be subject to an unopposed retention election in accordance with the procedures set forth in Section 20A-12-201.

(5) Upon the expiration of a municipal justice court judge's term of office a municipal justice court judge shall be reappointed absent a showing of good cause by the appointing authority.

(a) If an appointing authority asserts good cause to not reappoint a municipal justice court judge, at the request of the judge, the good cause shall be presented at a formal hearing of the local legislative body.

(b) The local legislative body shall determine by majority vote whether good cause exists not to reappoint the municipal justice court judge.

(c) The decision of the local legislative body is not subject to appeal.

(d) In determining whether good cause exists to not reappoint a municipal justice court judge, the appointing authority and local legislative body shall consider:

(i) whether or not the judge has been certified as meeting the evaluation criteria for judicial performance established by the Judicial Council; and

(ii) any other factors considered relevant by the appointing authority.

(6) Before reappointment or retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in Subsection 78-3-21(4).

(7) (a) At the conclusion of a term of office or when a vacancy occurs in the position of justice court judge, the appointing authority may contract with a justice court judge in the county or an adjacent county to serve as justice court judge.

(b) The contract shall be for the duration of the justice court judge's term of office.

(8) Vacancies in the office of justice court judge shall be filled as provided in Section 20A-1-506.

Amended by Chapter 16, 2006 General Session